

REMARKS

Applicants appreciate the Examiners recognition of the patentability of the claimed invention and indication the application is in condition for allowance except for correction/clarification of various formal matters.

Applicants thank the Examiner for the telephone interview held on November 10, 2004 between the Examiner, Richard Riley and Applicants representative Gerald Baracka. During the interview, the participants discussed the various objections to the specification and claims set forth in the Official Action, clarified issues and discussed amendments proposed by Applicants to correct the informalities.

During the interview, explanation was provided to clear up the Examiner's confusion regarding Applicant's description of curved blocking means 51 and 52. The Examiner in paragraphs 1(A) (1) and 3(A) of the office action indicated the recitation that the blocking means "extends upwardly from said channel at least 27.5 degrees above the horizontal plane" is unclear. While the Examiner has correctly observed that the blocking means extends upwardly from wheel-receiving channel 40 and is an arcuate extension thereof, the wheel-receiving channel is not the point of reference used to describe the "height" of the blocking means.

Since the blocking means are designed to engage and bear against the foremost and rearmost wheels of the inline skate, the blocking means are concavely curved and generally conform to the curvature (diameter) of the skate wheels. Furthermore, in order to provide secure attachment, the blocking mean must extend above the axis of the skate wheel. In other words, the blocking means must to some extent "wrap around" the wheels which they engage. This is apparent from Figure 2B which illustrates the skate shoe in expanded position with the foremost and rearmost skate wheels shown in ghost outline. A line representing the horizontal plane (viewed from the side) drawn through the axes of the two skate wheels shown is also illustrated in Figure 2B. As was pointed out to the Examiner during the interview, it is this plane, i.e., the horizontal plane of the axes of the skate wheels, and not wheel-receiving channel 40 which is the reference point for

determining the “at least 27.5 degrees” and defines the extent to which the front and rear blocking means extend up and “wrap around” the skate wheel with which they are in contact.

In view of the foregoing, Applicants submit, and the Examiner was inclined to agree during the interview, the recitation that the blocking means “extends upwardly from said channel at least 27.5 degrees above the horizontal plane of the axes of the skate wheels” would be clear to the skilled artisan from the specification and drawings. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection to the specification and claims by the examiner.

The specification has been amended to remove various other objections raised by the Examiner in paragraph 1 of the Official Action. More specifically, the grammatically incorrect term “degree” has been corrected on pages 4 and 5. The trademark referred to at line 311 of the specification has been amended consistent with the Examiner’s suggestion. Also, various minor typographical errors have been corrected and inconsistent terminology made consistent throughout the specification and claims.

With regard to use of the term “overmolding” in the specification and claims, Applicants submit this is a widely used and well-recognized term within the molding industry. It describes the procedure wherein a previously formed piece is subjected to a second molding operation. Support for the term is provided in the specification at page 7, lines 201 – 209, wherein Applicants indicate such a procedure, also referred to as double molding, can be used where a shoe comprised of two different materials, e. g. a rigid thermoplastic and elastomer, is desired.

The overmolding process is described in even greater detail at pages 9, lines 258 – 267. Applicants clearly point out this is a two-step operation wherein two formed rigid base members are positioned in a suitable mold and then injection molded with an elastomeric material to form a flexible bridge connecting the base members and a sole on each base member.

In view of the teachings on pages 7 and 9 referenced above, Applicants respectfully submit there is clear support for the term overmolding and request the objection be withdrawn.

It was clarified during the interview that the Examiner mistakenly referred to Figure 5 in his objection of the drawings when in fact it was Figure 4 which had the missing lead line for reference number 51. Applicants apologize for this omission and have included a new page of drawings correcting this oversight.

Applicants have reviewed the claims and they have been amended consistent with discussions during the interview to overcome the Examiners objections.

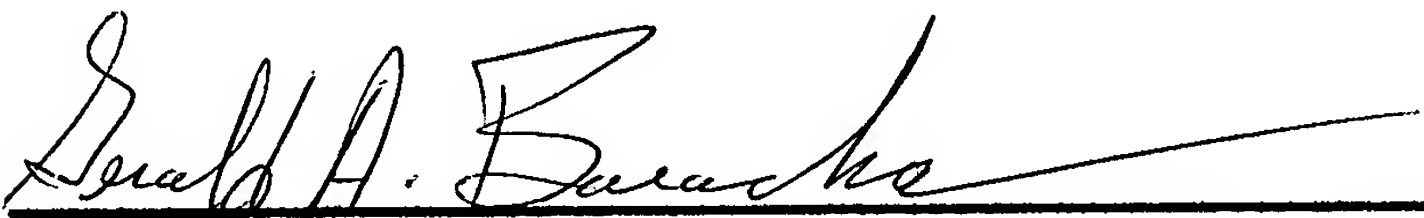
For the reasons discussed above Applicants respectfully submit the recitation that “said blocking means extends upwardly from said channel at least 27.5 degrees” is clear since it identifies the reference point for the “angle,” namely, the horizontal plane of the axes of the skate wheels. Furthermore, the claims now recite it is the axes of the foremost (or rearmost) wheels when inserted in the respective wheel-receiving channel.

With regard to the Examiners objection to “foremost wheels”, Applicants submit that, while the term may be limiting, it is not inconsistent - particularly now since the claims have been amended to specify the inline skate has a series of wheels rotatably mounted in an inline configuration. Support for this amendment can be found at page 3, lines 87 – 90, of the specifications. By stating the inline skates have a series of wheels, i. e., three or more wheels, there are necessarily “foremost” and “rearmost” wheels. It further follows since the wheels are “inline” their spatial relationship to each other dictates there must be a “front” wheel and a “rear” wheel.

Applicants have amended the claims so that they now specify which, i. e., front or rear, wheel-receiving channel is being referred to and there can no longer be any confusion on this point.

Applicants submit use of the term "overmolding" in the claims is not objectionable, since the meaning of the term is clear from the specification as pointed out above.

In view of the above remarks and amendments to the claims Applicants submit the claims in their present form are in condition for allowance and favorable action by the Examiner is respectfully requested. Should the Examiner have any questions regarding any aspect of the foregoing, he is requested to call the undersigned at the number indicated or Richard Riley at (740) 635-2337.

A handwritten signature in cursive script, reading "Gerald A. Baracka", written over a solid horizontal line.

Gerald A. Baracka

Reg. No.: 25,389

Phone: (513) 574-7253